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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of :
Jeong-Hwan Yang : Group Art Unit: 2812
Serial No. 10/801,651 : Examiner Walter L. Lindsay Jr.
Filed March 17, 2004 :

SEMICONDUCTOR DEVICE WITH DIFFERENT LATTICE PROPERTIES

REQUEST FOR RECONSIDERATION

U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is in response to the Office Action dated January 9, 2006.

Claims 10-12, 14 and 16-31 remain pending in the application.

Applicants acknowledge with thanks the indicated allowability of dependent claims 17 and 20-25.

The remaining claims 10-12, 14, 16, 18, 19 and 26-31 were rejected under 35 U.S.C. §102(e) as being anticipated by Sugiyama et al. (US 6774390) for the reasons stated at pages 2-4 of the Office Action.

Without acquiescing to the Examiner's reasoning, Applicants intend to overcome the rejection by establishing a date of invention prior to the U.S. filing date of the Sugiyama et al. patent.

Attached is a DECLARATION UNDER 37 C.F.R. §1.131 which has been executed by Jeong-Hwan Yang, the inventor of the present application. In the DECLARATION, Mr. Yang declares that he invented the subject matter defined by the claims of the present application on or before October 21, 2002.

As evidence of Mr. Yang's date of invention, Mr. Yang has appended a DISCLOSURE OF EMPLOYEE'S INVENTION that was prepared on or before October 24, 2002.

An English-language translation of the DISCLOSURE OF EMPLOYEE'S INVENTION is submitted herewith.

Applicants contend that Mr. Yang is entitled to a date of invention at least as early as October 21, 2002. Since the U.S. filing date of the Sugiyama et al. patent is February 21, 2003, Applicants further contend that the Sugiyama et al. patent does not qualify as "prior art" against the claims of the present application.

No other issues remaining, reconsideration and favorable action upon the claims 10-12, 14, and 16-30 now present in the application are requested.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, PLLC



Adam C. Volentine
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April 10, 2006

Attachments: (1) Declaration Under 37 C.F.R. ¶1.131 with Disclosure Of
Employee's Invention
(2) English-language translation of Disclosure Of Employee's
Invention

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